

House Bill 224 is identical to House Bill 154 of the 1989 Session. On May 25, 1989, I vetoed House Bill 154, choosing instead to sign SB 46. It is still my belief that the appropriate approach to ensuring the presence of a witness from the blood testing laboratory is to obtain a subpoena.

It is my concern that elimination of the subpoena requirement would be impractical and unworkable in actual practice, and would lead to additional delays and expense. While a laboratory might be "deemed" to have consented to be at trial on threat of deletion from the CSEA's approved list, the letter of notice does not actually compel attendance at trial, as would a subpoena. Thus, many attorneys are likely to subpoena a laboratory witness anyway. Those who do not may be put in a difficult position with the court in a particular case if the laboratory witness fails, for any reason, to appear at trial.

House Bill 224 also raises other concerns as to its practical implementation. A laboratory faced with a letter of notice will not have available the usual court procedures used to modify, resist, or quash a subpoena. No method to contest a letter of notice is suggested by the bill. Moreover, it is unclear how many times and under what circumstances a laboratory would have to fail to appear at trials before the CSEA would be justified in removing them from the approved list.

It is my understanding that, as a practical matter, laboratories currently do show up for trials when requested. In fact, laboratories either have ongoing contractual arrangements with local support enforcement agencies requiring their attendance at trial or they recognize that their failure to cooperate with the parties by appearing at trial would result in litigant's utilizing their competitor's services.

Accordingly, since the unusual approach embodied in the bill does not seem necessary or practical, I have decided to veto House Bill 224.

Sincerely,
William Donald Schaefer
Governor

House Bill No. 224

AN ACT concerning

Paternity Proceedings – Blood Tests

FOR the purpose of establishing that certain laboratories that perform blood tests for use in paternity cases be deemed to have consented to provide a doctor or technician to testify at a paternity proceeding under certain circumstances; altering a provision of law to permit a party to cross-examine a doctor or technician at a paternity proceeding after providing a certain notice to a laboratory; and generally relating to the admission of a laboratory report of a blood test in evidence in paternity proceedings.

BY repealing and reenacting, with amendments,
Article – Family Law